



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 30 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James M. Clabby
President
JMC Environmental Consultants, Inc.
2109 Bridge Avenue, Bldg B
Point Pleasant, New Jersey 08742

Re: July 2015 Revised Engineering & Monitoring Plan
Arsynco, Inc.
Foot of 13th Street, Carlstadt, New Jersey
SRP PI#: 024248
EPA I.D. Number: NJD 044688935

Dear Mr. Clabby:

The United States Environmental Protection Agency (EPA) Region 2 and the New Jersey Department of Environmental Protection (NJDEP) have completed review of the July 2015 Revised Engineering & Monitoring Plan (E&M Plan) prepared by JMC Environmental Consultants, Inc. for the Arsynco, Inc. Site (Arsynco) located in Carlstadt, New Jersey. The E&M Plan outlines the activities necessary to address soils that contain concentrations of polychlorinated biphenyls (PCBs) at ≥ 50 parts per million (ppm) in accordance with EPA's approval for risk based clean-up/disposal of PCB remediation waste for the Arsynco site which became effective on July 21, 2009. The E&M Plan also includes the results of the pre-excavation PCB grid soil sampling program completed from 2012-2014.

EPA and NJDEP have no additional comments and the E&M Plan is hereby approved effective the date of this letter. Please note Arsynco's proposal to analyze the groundwater samples for PCBs using EPA Method 8082 is acceptable, however, chemical extraction of PCBs must use either Method 3500B/3540C or Method 3500B/3550B from EPA's SW-846, Test Methods for Evaluating Solid Waste.

If you have any questions, please contact Sam Abdellatif, of my staff, at (212) 637-4103.

Sincerely yours,

Adolph Everett, Chief
Hazardous Waste Programs Branch

cc: Jay Nickerson, NJDEP CM-BCM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. John Larocca
Assistant Treasurer for Arsynco, Inc.
c/o Aceto Corporation
One Hollow Lane, Suite 201
Lake Success, New York 11042

**Re: Arsynco, Inc. Site
Carlstadt, New Jersey**

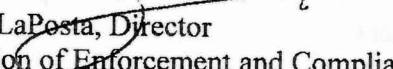
Dear Mr. Larocca:

Enclosed, please find the United States Environmental Protection Agency's (EPA's) response to and approval of Arsynco, Inc.'s (Arsynco's) request for risk-based disposal of polychlorinated biphenyl (PCB) remediation waste, for the Arsynco, Inc. Site located in Carlstadt, New Jersey. The enclosed approval is issued in accordance with the federal regulations for PCBs promulgated pursuant to the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 *et seq.*, and the regulations set forth in Part 761 of Title 40 of the Code of Federal Regulations (40 C.F.R. Part 761).

Please note that the approval shall become effective on the date the Regional Administrator of EPA Region 2 receives written notification from Arsynco, Inc., signed by an authorized representative of the company, indicating acceptance of and intention to comply with the conditions of the approval. This offer may be withdrawn if EPA Region 2 does not receive written notification from Arsynco, Inc. of its acceptance of, and intention to comply with, the conditions and terms of this approval within 45 days of the date of this approval letter.

Should you have any questions concerning this matter, please contact James S. Haklar, Ph.D., P.E., of my staff, at (732) 906-6817.

Sincerely yours,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Linda Taylor, New Jersey Department of Environmental Protection

U.S. Environmental Protection Agency
Region 2

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In the Matter of	: Approval for Risk-Based
	: Clean-up/Disposal of Polychlorinated
Arsynco, Inc.	: Biphenyl Remediation Waste
Carlstadt, New Jersey	:
	:
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This document is the United States Environmental Protection Agency's (EPA) response to, and approval of, the Arsynco, Inc. (hereinafter, "Arsynco") October 8, 1998 request, and the October 11, 1999 and October 4, 2004 request modifications, for a risk-based PCB disposal approval for portions of the Arsynco, Inc. Site located in Carlstadt, Bergen County, New Jersey, in accordance with the federal regulations for polychlorinated biphenyls (PCBs) promulgated pursuant to the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 et seq., and set forth in Part 761 of Title 40 of the Code of Federal Regulations (40 C.F.R. Part 761).

The complete Application that EPA considered, and that is the subject of this approval includes the following documents (hereinafter collectively referred to as "Arsynco's Application") which are incorporated by reference into this approval.

- October 8, 1998 Application for a Risk-based Cleanup Approval;
- October 11, 1999 Addendum to Application for Risk-based Cleanup Approval;
- October 10, 2000 Proposed Remedy and Human Health Risk Assessment of PCB-Impacted Soils;
- December, 2003 Remedial Investigation Report Addendum & Remedial Action Workplan; and
- October 4, 2004 Cap Specifications for PCB Remediation: Application for Risk-based Cleanup Approval, which includes an amendment to the October 8, 1998 Application to include the former pond located in the eastern portion of Tract 1.

Based on the information provided in Arsynco's Application, EPA has determined that implementation of the remedy and disposal actions proposed in the Application will not pose an unreasonable risk of injury to human health or the environment.

EPA Region 2 reviewed Arsynco's Application to determine whether the proposed remedy would be protective of human health and the environment, is technically feasible and appropriate, is consistent with and supportive of the New Jersey Department of Environmental Protection's (NJDEP's) plans for remediation of the Site, and that safeguards are in place to ensure that long-term operation, maintenance, and monitoring commitments associated with the remedy would be undertaken.

A public notice of the draft of this approval and supporting documents was published in the South Bergenite newspaper on August 29, 2007 with a 30 day comment period ending on September 28, 2007. One comment letter was received and is addressed in the Responsiveness Summary that is appended to this approval.

EPA hereby issues approval for the risk-based disposal of soils and other on-site materials contaminated with PCBs located at the Arsynco Site, subject to the conditions specified herein. This approval is being issued under the authority granted to EPA by the Toxic Substances Control Act (TSCA) as codified in 40 C.F.R. § 761.61(c). This approval also constitutes an order under the authority of Section 6 of TSCA, 15 U.S.C. §2605.

1. Effective Date and Review Date

This approval shall become effective on the date the Regional Administrator of EPA Region 2 receives written notification from Arsynco, signed by an officer of the company, indicating acceptance of and intention to comply with the conditions of this approval. This offer may be withdrawn if EPA Region 2 does not receive written notification from Arsynco of its acceptance of, and intention to comply with, the conditions and terms of this approval within 45 days of the date of signature of EPA's letter transmitting the approval.

The EPA will review this approval no later than 5 years from its effective date. At that time, if the EPA finds that the continued implementation of the remedy granted by this approval presents an unreasonable risk to human health or the environment, the EPA may modify, suspend, or revoke this approval. Alternatively, the EPA may request further information to make such a determination.

2. Description of the Arsynco Site and the Extent of PCB Contamination

The Arsynco, Inc. Site ("the Site"), which is the subject of this approval, is located at 511- 13th Street in Carlstadt, Bergen County, New Jersey. This Site encompasses a total of 12.3 acres, divided into Tract 1 and Tract 2. Tract 1 consists of approximately 9.46 acres of land which formerly contained all production operations. Tract 2 consists of approximately 2.8 acres of low-lying, undeveloped, marshy land. Arsynco manufactured specialty chemicals and pharmaceutical intermediates at the Site between July 1969 and September 1993. Prior to Arsynco's operations, the Site was reportedly used for other industrial and/or chemical manufacturing operations since the early 1900's. With the exception of an administrative building, all structures and manufacturing equipment have been removed from the Site, which is largely overgrown with vegetation.

2a. Soils and Fill Material/Debris

In order to characterize the soil and fill materials in Tract 1 and Tract 2, a total of 253 samples were collected from the Site, using a 100 foot x 100 foot grid system. Of the 173 samples collected in Tract 1, 46 contained PCBs at levels above the TSCA regulatory minimum of 50 mg/kg (ppm). The highest PCB concentration detected in the Tract 1 samples was 6,200 mg/kg (ppm), which was found in the southeast portion of the parcel at a depth between 4.5 and 5 feet. Of the 80 samples collected in Tract 2, one contained PCBs above 50 mg/kg (ppm). This sample contained PCBs at a level of 197 mg/kg (ppm), and was found within the first six inches of soil in a drainage channel leading from the former on-site pond on the east side of Tract 1. Most of the materials in which PCBs were detected at concentrations greater than 500 mg/kg (ppm) were resin-like substances and other non-soil industrial and process waste from former chemical manufacturing operations at the Site.

2b. Former On-Site Pond

A man-made pond, lined with clay that is approximately 4 feet thick, is located in the eastern portion of Tract 1. The clay-lined former pond, measuring approximately 150 feet by 75 feet (0.26 acres), had been in-use at the Site until it was drained and filled with soil and debris around 1971. In December, 2001, three test pits were dug into the clay-lined former pond. Two samples of the former pond sediments were collected from each test pit at depths variably ranging from approximately 7.5 feet to 9.5 feet below ground surface (bgs). These depths correspond to approximately the six inches of sediments immediately above the clay liner, to six to twelve inches into the clay liner itself. PCBs were detected in the upper 6 inch sediment samples at concentrations up to 970 mg/kg (ppm), and in the clay liner at concentrations ranging from non-detect to 190 mg/kg (ppm) in the clay liner. However, PCBs were not detected at a depth exceeding six inches into the clay, supporting the determination that the clay liner is providing an effective barrier to PCB migration from the former pond. Moreover, PCBs have not been detected in groundwater samples collected from two shallow/deep monitoring well clusters (MW-9S/D and MW-10S/D, respectively) located adjacent to, and down-gradient of the direction of regional groundwater flow from, the former pond. Engineering analysis of the clay material indicates that it is very low permeability material which impedes the flow of liquids through it. Soil samples collected from borings located outside of the former pond also support a determination that PCBs are not migrating from the former pond through the clay liner.

2c. Groundwater

Twenty three monitoring wells, both shallow (approximately 6-9 feet deep) and deep (approximately 25-30 feet deep), were installed at the Site. The shallow wells are generally screened within the fill material, which consists of fine to medium grained sands with brick, metal, ash, wood, and concrete debris, and which extends 5 to 6 feet deep across most of the Site. The fill in the southeast part of Tract 1 reaches a depth of 8 feet and also contains process and industrial waste materials. The deep wells are screened in the native underlying clay layer. Concentrations of PCBs up to 36 ug/L (parts per billion, ppb) were detected in five samples from

the first round of samples collected from the shallow wells. No PCBs were detected in the other shallow well samples, in any of the deep well samples, or in shallow well or deep well samples from subsequent sampling events. Arsynco believes that the presence of PCBs in the initial samples is related to the presence of fill material sediments in the samples that were disturbed during drilling and installation of the wells. PCBs were not detected in samples collected after the sediments reportedly stabilized around and within the well.

The groundwater quality in this region is currently non potable, due to both anthropogenic pollution and the swampy nature of the area. No known current or planned future potable uses for groundwater in the area have been identified.

3. Remedial Action, Cap Remedy, and Long Term Monitoring

The area to be remediated is subject to the NJDEP Industrial Site Recovery Act (ISRA) and is designated as Case No. E93024. Those portions of the Site with PCB contamination at concentrations less than 50 mg/kg (ppm) and which are not addressed under Federal regulations, are subject to, and shall be addressed in accordance with, NJDEP requirements. The risk-based PCB disposal approval that is the subject of this document is for the areas of the Site contaminated with PCBs at concentrations of 50 mg/kg (ppm) dry weight or greater.

Arsynco shall comply with the documents that comprise Arsynco's Application described above, and this approval, unless EPA Region 2 provides written approval of any additional proposed modification. A request from Arsynco to modify this approval must be received by EPA at least 60 calendar days prior to the proposed implementation of the modification. The provisions of this approval supersede any inconsistent provisions in Arsynco's Application.

- A) All remedial and monitoring work shall be performed in accordance with an Engineering and Monitoring Plan, approved in advance, in writing, by EPA Region 2. The Engineering and Monitoring Plan shall be submitted to EPA no later than thirty (30) calendar days after this approval becomes effective, and shall include a detailed schedule for performing the remedial and monitoring work. Additionally, no later than thirty (30) calendar days after excavating and disposing of the PCB contaminated material, Arsynco shall submit to EPA Region 2 a certification, signed by a professional engineer licensed by the State of New Jersey, verifying that such work has been completed in accordance with Arsynco's Application, the Engineering and Monitoring Plan, other associated documentation generated during the course of the remedial action and approved by EPA, and this approval. Arsynco shall also maintain in perpetuity, or until the PCB contaminated material that is the subject of this approval is removed from the Site, the following records:

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- 1) "as-built" engineering drawings which provide latitude and longitude determined using differential global positioning or an equivalent method which conforms to the EPA locational data standard available online under the "Data Standards" link at <http://www.epa.gov/edr/>;
 - 2) construction related documents including engineering specifications for all purchased, manufactured, or otherwise fabricated elements associated with the remedy;
 - 3) purchase receipts and/or certifications associated with all components of the remedy;
 - 4) lists or log sheets which record the identity and affiliation of all personnel associated with off-site management, design, or procurement, and on-site implementation of the remedy; and
 - 5) all records and information related to characterization, analysis (using an appropriately sensitive and selective EPA SW-846 method or validated equivalent, or as otherwise specified in this approval), shipping, and disposal of materials associated with the remedy and the long term monitoring.
- B) Arsynco shall excavate all on-site materials, with the exception of materials currently located within the boundaries of the former on-site pond, containing PCBs at concentrations greater than or equal to 500 mg/kg (ppm) dry weight and dispose of these materials off-site in accordance with the applicable PCB regulations contained in 40 C.F.R. §761.61(b). The total amount of material to be disposed of off-site is anticipated to be approximately 1,000 tons. Determinations regarding disposal shall be made based on "as found" concentrations prior to disturbance or excavation in accordance with 40 C.F.R. §761.61.
- C) Arsynco shall sample the excavated areas to verify the removal of all material containing PCBs greater than or equal to 500 mg/kg (ppm) dry weight.
- D) Arsynco shall consolidate the remaining materials containing PCBs at concentrations between 50 mg/kg (ppm) dry weight and 500 mg/kg (ppm) dry weight, estimated at 15,650 cubic yards, into an approximately two-acre area in the eastern part of Tract 1. This area shall be designated the "Consolidated Material TSCA Disposal Area." Most of these materials are already located in this area. Approximately 6,000 cubic yards of material shall be excavated from other locations at the Site and transported to this area. The exact location of this area is yet to be determined as options for redevelopment and use of the Site are outstanding. Arsynco shall provide the proposed location to EPA for approval not less than 60 calendar days prior to any disturbance, excavation or consolidation of the material into that area.

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- E) Arsynco shall cap, in accordance with the specifications provided in the October 4, 2004 Cap Specifications for PCB Remediation document, but not meeting less than the requirements provided in 40 C.F.R. §761.61(a)(7) and 40 C.F.R. §264.310(a), the locations consisting of, at a minimum, the Consolidated Material TSCA Disposal Area and the former on-site pond. The former on-site pond shall be designated as the "Former On-Site Pond TSCA Disposal Area".
- F) Arsynco shall install shallow and deep groundwater monitoring well clusters constructed in their entirety with stainless steel or Teflon, with screen intervals of not greater than 10 feet, up-gradient and down-gradient of the on-site Consolidated Material TSCA Disposal Area. Deep wells shall be double cased to prevent migration of contamination from the shallow to the deep zone. At minimum, one up-gradient and two down-gradient well clusters shall be installed. The number, depths, and locations of the wells shall be approved by EPA at least 30 days in advance of their installation. Groundwater samples from these wells shall be collected, at minimum, on a quarterly basis, during a period of "high tide" groundwater elevations at the Site, using EPA's most current version of the "Low Flow" groundwater sampling procedure. All groundwater samples collected from these wells and at the Site shall be analyzed for PCBs using EPA Method 525.2. An action level for PCBs detected in groundwater shall be established as the more stringent of either the federal Maximum Contaminant Level (MCL) for PCBs, or the practical quantitation level (PQL) associated with the State of New Jersey Groundwater Quality Criterion for PCBs. Currently, the MCL is equivalent to the PQL and is set at 0.5 parts per billion. Arsynco shall notify EPA Region 2 of any exceedance of the action level, verbally within one (1) working day and in writing within five (5) working days, of Arsynco's receipt of the analytical results from the laboratory analyzing samples, and not more than 30 calendar days after the collection of the samples. After three years of groundwater monitoring, Arsynco may request from EPA that the frequency of monitoring be decreased if sample results are consistently below the action level. EPA, at its sole discretion, shall make the final determination as to whether or not a reduction in the frequency of groundwater monitoring is appropriate. GIP
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- G) Arsynco shall install additional shallow and deep groundwater monitoring well clusters constructed in their entirety with stainless steel or Teflon, with screen intervals of not greater than 10 feet, up-gradient and down-gradient of the Former On-Site Pond TSCA Disposal Area. Deep wells shall be double cased to prevent migration of contamination from the shallow to the deep zone. At minimum, one up-gradient and two down-gradient well clusters shall be installed, which are in addition to the wells already located adjacent to the former pond. The number, depths, and locations of the wells shall be approved by EPA at least 30 days in advance of their installation. Groundwater samples from these wells shall be collected, at minimum, on a quarterly basis, during a period of "high tide" groundwater elevations at the Site, using EPA's most current version of the "Low Flow" groundwater sampling procedure. All groundwater samples collected from these wells and at the Site shall be analyzed for PCBs using EPA Method 525.2. An action level for PCBs detected in groundwater shall be established as the more stringent of either the

federal Maximum Contaminant Level (MCL) for PCBs, or the practical quantitation level (PQL) associated with the State of New Jersey Groundwater Quality Criterion for PCBs. Currently, the MCL is equivalent to the PQL and is set at 0.5 parts per billion. Arsynco shall notify EPA Region 2 of any exceedance of the action level, verbally within one (1) working day and in writing within five (5) working days of receipt by Arsynco of the analytical results from the laboratory analyzing samples, and not more than 30 calendar days after the collection of the samples. After three years of groundwater monitoring, Arsynco may request from EPA that the frequency of monitoring be decreased if sample results are consistently below the action level. EPA, at its sole discretion, shall make the final determination as to whether or not a reduction in the frequency of groundwater monitoring is appropriate.

- H) Arsynco shall construct and maintain a fence(s) of not less than six (6) feet in height, around the entire Site, with the exception of the far east side of the Site along 16th Street. This side of the Site currently contains a four-foot high fence, and Arsynco's representative has indicated to EPA that it would need to obtain a variance from the New Jersey Meadowlands Commission to construct a six-foot high fence. Arsynco shall therefore use its best efforts to obtain all necessary approvals to ensure that the entire Site is enclosed by a six-foot high fence. In the event that Arsynco demonstrates to EPA's satisfaction that, despite its best efforts, the necessary approvals to construct a six-foot high fence along 16th Street could not be obtained, then Arsynco shall maintain, and improve as necessary, the four-foot high fence, and also construct a six-foot high fence along the east side of Tract 1 that borders Tract 2. Placement of the six-foot high fence along the east side of Tract 1 would result in the full enclosure of the entire Tract 1 parcel, including both TSCA Disposal Areas. The fence(s) shall be maintained and marked, at intervals of not less than 25 feet on each side, with signs as specified in 40 C.F.R. §761.45(a), in perpetuity, or until the PCB contaminated materials are removed from the Site, to prevent entry of trespassers. The Site, including the two on-site TSCA Disposal Areas, shall be protected by berms, as specified in the October 4, 2004 Cap Specifications for PCB Remediation document, which shall be designed and maintained in perpetuity, or until the PCB contaminated material is removed from the Site, to protect the area from potential flooding from at least one in one hundred year flood levels.
- I) Arsynco shall meet the requirements, provided in 40 C.F.R. §761.65(g), for establishment of funding for the perpetual monitoring and maintenance of the remedies that are the subject of this approval. Documentation that this financial surety is in effect shall be provided to EPA Region 2 not less than 30 calendar days prior to any work associated with this approval at the Arsynco Site. In the event that Arsynco sells or leases any portion of the Site, these financial assurance obligations may be transferred from Arsynco to the buyer or lessee, provided that the conditions specified in Section 6 of this approval are met.

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4. Recording of Approval and Deed Notice

Within sixty (60) days of construction of the cap remedy, as described in the October 4, 2004 Cap Specifications for PCB Remediation, Arsynco shall prepare and record a Deed Notice, in accordance with 40 C.F.R. § 761.61(a)(8) and New Jersey law with the County Clerk's Office, Bergen County, New Jersey. The Deed Notice shall, at a minimum, include the two TSCA Disposal Areas and be consistent with any Deed Notice required by the NJDEP. The Deed Notice shall include: a description of the extent of contamination found at the Site; a description of the removal action, establishment of the TSCA Disposal Areas, and the cap remedy; survey information necessary to identify the precise locations of the TSCA Disposal Areas; the restrictions on use included in Section 7 of this approval; a description of monitoring, maintenance, and reporting requirements associated with this approval; and a copy of this approval, appended as an attachment. Within 10 days of receipt of a stamped, filed Deed Notice, Arsynco shall submit a copy of same to EPA Region 2.

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5. Inspection and Maintenance Obligations; Annual Report to EPA.

Arsynco shall provide EPA Region 2 with an update of the status of the remedial action every three (3) months following the effective date of this approval until the construction of the two on-site TSCA Disposal Areas, removal of PCB contaminated material, disposal of removed PCB contaminated material, and construction of berms, capping, and fencing operations are complete. After the caps, berms, and fences are constructed, Arsynco shall visually inspect the caps, berms, and fences at least quarterly, and maintain them as needed. Arsynco shall also provide for a means of communicating with the owner of the Site, if other than Arsynco, regarding any and all activities at the Site which did or may result in any disruption, damage, removal, or other loss of integrity of the caps, berms, or fences, and Arsynco shall inspect the caps, berms, or fences within five (5) working days of such notification. If necessary, the caps, berms, or fences shall be repaired or replaced within 14 working days of the verification of damage or other loss of integrity. Within 14 working days of completion of repairs, Arsynco shall submit to EPA Region 2 the following information:

- 1) notification that the caps, berms, or fences have been breached or otherwise suffered damage or loss of integrity, including a description of the specific breach, damage, or loss; and
- 2) certification, signed by a professional engineer licensed by the State of New Jersey, that the caps, berms, or fences have been repaired or replaced to a condition not less than that constructed as required by this approval.

The caps, berms and fences shall be maintained to prevent access to the contaminated material (e.g. soil and debris) under the caps and to prevent such material from being released. Arsynco shall also, by July 1 of each year, submit to EPA Region 2 an annual written summary report covering the previous reporting period (January through December of the previous year). The Annual Report shall provide the following information:

- 1) reports of visual inspections and maintenance needed to maintain the as-built integrity of the caps, berms, and fences;
- 2) maintenance reports;
- 3) information regarding any problems maintaining, or apparent breach of, any element of the remedy;
- 4) groundwater monitoring results including all QA/QC samples; and
- 5) documentation required under 40 C.F.R. §761.180(a).

6. Sale or Lease of the Site

If Arsynco intends to sell or lease any portion of the Consolidated Material TSCA Disposal Area, the Former On-Site Pond TSCA Disposal Area, or any other property that is the subject of this approval, Arsynco shall notify EPA Region 2, in writing, no later than 30 days prior to such sale or lease. This notification shall include the name, address and telephone number of the proposed new owner(s) or lessee(s). Arsynco shall visually inspect the caps, berms, fences, and signs within 30 days prior to sale or lease of any such property, and shall, thereafter, provide a written report of the results of inspection, and any as yet unreported inspections and /or maintenance on the caps, berms, fences or signs, to EPA Region 2 and to the buyer or lessee no later than 10 days prior to such sale or lease. In the event that Arsynco sells or leases any portion of the Site, Arsynco shall continue to be bound by all the terms and conditions of this approval, unless the following occurs:

- 1) the new owner or any lessee requests, in writing, that EPA Region 2 reissue this approval to the new owner or lessee, transferring all responsibility to comply with the terms and conditions of this approval to the new owner or lessee;
- 2) EPA Region 2 reissues this approval to the new owner or any lessee, transferring all responsibility to comply with the terms and conditions of this approval to the new owner or lessee; and
- 3) the new owner or any lessee provides written notification to EPA Region 2 of its acceptance of and intention to comply with the terms and conditions of the reissued approval. The reissued approval may be withdrawn if EPA Region 2 does not receive written notification from the new owner or lessee of its acceptance of, and intention to comply with, the conditions and terms of the reissued approval within 45 days of the date of the reissued approval. Under such circumstances, this approval, issued to Arsynco, will remain in effect. In such case, Arsynco shall provide EPA, in writing, documentation that Arsynco will be afforded access to the Site, as necessary, to fulfill any and all obligations included in this approval.

Site B(27)(100)

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In the event that the three conditions listed above are met and a new approval is issued to and accepted by a new owner or lessee, Arsynco shall transfer custody of the documents preserved under Section 3(A) to the new owner or lessee.

7. Modifications and Changes in Use

Any modification(s) in the plan, specifications, or information submitted in Arsynco's Application, based on which this approval has been issued, will be considered by EPA to be major modification(s) and must receive prior written approval from the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2. Other modifications to this approval, which EPA determines to be minor, may be authorized, in writing, by the Chief of the Pesticides and Toxic Substances Branch of the Division of Enforcement and Compliance Assistance, EPA Region 2. Arsynco shall inform EPA Region 2 of any proposed change, in writing, at least 60 days prior to the effective date of the proposed change. No action may be taken to implement any such modification unless EPA Region 2 has approved of the modification, in writing. EPA Region 2 may request additional information in order to determine whether or not it approves of the modification. If such modification involves a change in the use of either the Consolidated Material TSCA Disposal Area or the Former On-Site Pond TSCA Disposal Area, EPA may revoke, suspend and/or modify this approval if it finds that Arsynco's remedy may pose an unreasonable risk to human health or to the environment due to the change in use, or if EPA Region 2 does not receive information it deems appropriate from Arsynco to make a determination regarding such potential risk. Arsynco shall prepare and request that the owner of the Site record any amendment to the Deed Notice and/or this approval, resulting from any modification(s), within 60 days of such changes(s).

8. EPA Entry and Inspection

No later than thirty (30) calendar days after this approval becomes effective, Arsynco shall provide EPA assurance that EPA's representatives may enter the Site at reasonable times for the purposes listed below. Arsynco shall, also, allow any authorized EPA representative to enter the Site at reasonable times for the purposes listed below:

- 1) to inspect the Consolidated Material TSCA Disposal Area and the Former On-Site Pond TSCA Disposal Area of the Arsynco Site to assess compliance with this approval and/or the federal PCB regulations;
- 2) to inspect any records related to this approval and/or federal PCB regulations; and
- 3) to collect samples for the purpose of assessing compliance with this approval and/or the federal PCB regulations. Arsynco will be given the opportunity to split samples collected by EPA representatives, provided this does not compromise EPA's sampling activities or the samples which EPA collects.

Any refusal to allow any of the above actions may result in the suspension and/or revocation of this approval.

This approval, issued pursuant to 40 C.F.R. § 761.61(c), is subject to Arsynco having provided EPA Region 2 with complete and forthright disclosure of all material facts. Any misrepresentation or omission by Arsynco of any material fact in Arsynco's Application or other documents associated with this approval may result in EPA's revocation, suspension and/or modification of this approval, in addition to any other legal or equitable relief or remedy EPA may choose to pursue under applicable law.

Arsynco's acceptance of this approval constitutes Arsynco's agreement to comply with:

- 1) all conditions and terms of this approval; and
- 2) all applicable provisions of federal, state and local law. In any case of inconsistency between applicable provisions of 40 C.F.R. Part 761 and this approval, the terms of this approval shall apply and take precedence. TSCA disposal requirements do not supercede other, more stringent, applicable federal, state or local laws, including any applicable requirements under the Solid Waste Disposal Act and its amendments, including the Resource Conservation and Recovery Act. Any failure by Arsynco to comply with any condition or term of this approval shall constitute a violation of said approval, which has been issued pursuant to 40 C.F.R. § 761.61(c); such violation is made unlawful by Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C). Any such violation(s) may result in an action by EPA for any legal or equitable relief or remedy available under applicable law. Any such violation can also result in EPA revoking, suspending and/or modifying this approval.

9. Confidential Business Information

Information supplied to EPA is generally available to the public under the Freedom of Information Act, 5 U.S.C. § 552, and the regulations issued thereunder, 40 C.F.R. Part 2. As provided in Section 14(c) of TSCA, Arsynco may claim information provided to EPA to be Confidential Business Information (CBI), in which case the information so designated will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2.

The following guidelines are used by EPA in determining if a claim of CBI is valid in the event the claim is challenged:

- 1) The company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures;
- 2) The information is not, and has not been, reasonably obtainable without the company's consent by other persons (other than governmental bodies) by use of legitimate means (other than discovery based on showing of special need in a judicial or quasi-judicial proceeding);
- 3) The information is not publicly available elsewhere; and

- 4) Disclosure of the information would cause substantial harm to the company's competitive position.

Most of the information requested under this approval concerns the proper handling of PCB material and is not expected to involve CBI. When information is claimed as CBI, it must be clearly identified on the material submitted.

10. Address for Correspondence with EPA

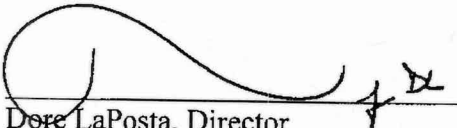
All correspondence to be submitted to EPA, Region 2, except specific correspondence designated as CBI, shall be sent to:

PCB Approvals
Pesticides and Toxic Substances Branch
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue (MS-105)
Edison, New Jersey 08837-3679
Telephone: (732) 906-6817 Facsimile: (732) 321-6788

The address for submission of CBI information is as follows:

Michael Bious, Document Control Officer
Pesticides and Toxic Substances Branch
United States Environmental Protection Agency, Region 2
2890 Woodbridge Avenue (MS-105)
Edison, New Jersey 08837-3679
Telephone: (732) 906-6892 Facsimile: (732) 321-6788

Based on the information included in Arsynco's Application, EPA Region 2 finds that the PCB disposal authorized under this approval will not present an unreasonable risk to human health or the environment. Permitted levels of PCB concentration for material remaining on-site under this approval are based on a site-specific risk determination pursuant to TSCA, and are not applicable to any other site. Notwithstanding, this approval may be revoked, suspended and/or modified after Arsynco's acceptance thereof at any time if EPA Region 2 determines that implementation of this approval may present an unreasonable risk of injury to human health or the environment. Nothing in this approval is intended, or is to be construed, to prejudice any right or remedy concerning the operation of Arsynco's facility otherwise available to EPA under Section 6 of TSCA, 15 U.S.C. § 2605, and/or 40 C.F.R. Part 761.


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

2/12/09
Date

Ph. 201-201-1000 CDP

**Responsiveness Summary
Arsynco, Inc. Site**

EPA received only one comment letter, and this was sent by Arsynco during the 30-day comment period that started on August 29, 2007. In the letter, Arsynco stated that it was in active discussions with a purchaser of the Site. Therefore, Arsynco requested that EPA delete any references to Arsynco and its parent company, Aceto Corporation (Aceto) from the approval and that EPA issue the approval to a generic "owner." According to Arsynco, this would facilitate the transfer of the approval to the purchaser without EPA having to reissue it. Arsynco also requested the deletion of its parent company from the approval even if EPA decided not to issue it to a generic owner. Furthermore, Arsynco expressed its concern that the draft approval does not clearly state that the financial assurance obligation will be transferred to the new owner.

In subsequent correspondence, outside the comment period, dated October 31, 2007, Arsynco further requested that EPA explore the possibility of issuing the approval directly to the new owner of the Site.

EPA Response: EPA is aware that Arsynco is in active discussions with potential buyer(s) for the Site. Since Aceto Corporation never formally requested that its name be included with Arsynco's in the approval, and also since Arsynco is the applicant of record for this approval, all references to Aceto Corporation have been removed from the document. However, EPA cannot issue the approval to a generic "owner". Since the property has not yet been sold, Arsynco will continue to be identified in the document. The approval provides specific language that addresses the steps that Arsynco and a new owner of the Site must follow to obtain a re-issuance of the approval by EPA.

Additionally, language has been added to clarify the conditions for transfer of the financial assurance obligation to a new owner, and to specify the address for submission of CBI.

[Handwritten signature]